UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Dyna-Drill Technologies, Inc	§
and	§
Michael Speckert,	§
	§
Plaintiffs,	§
VS.	§ CIVIL ACTION NO. H-03-5599
	§
Kennametal, Inc.	§
d/b/a	§
Conforma Clad Inc.,	§
	§
Defendant.	§

MEMORANDUM AND ORDER

In this declaratory judgment action, final judgment was entered for Plaintiffs at the conclusion of trial to a jury. Defendant now moves for judgment as a matter of law or, in the alternative, for a new trial, on the grounds that the verdict was against the great weight of the evidence and that the Court improperly excluded evidence from trial. After considering Defendant's motion and the applicable law, the Court finds that the motion, Docket No. 309, should be and hereby is **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 25th day of October, 2005.

KEITH P. ELLISON UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.

S. P. Ellison